

**IN THE UNITED STATES COURT OF APPEALS
FOR THE DISTRICT OF COLUMBIA CIRCUIT**

UNITED STATES OF AMERICA,)

Appellee,) **Docket No. 22-3086**

v.)

STEPHEN K. BANNON,)

Appellant.)

**APPELLANT’S MOTION FOR THIRTY (30) DAYS EXTENSION OF
TIME FOR FILING HIS BRIEF AND THE APPENDIX**

The Appellant, Stephen K. Bannon, through the undersigned counsel, hereby respectfully moves this Court, pursuant to Rules 26(b) and 27 of the Federal Rules of Appellate Procedure and Circuit Rules 27(h) and 28(e) for a thirty (30) days extension of time for filing the Appellant’s Brief and Appendix. The undersigned has consulted with opposing counsel and is authorized to represent to the Court that the Appellee takes “no position” on this extension request and “defers to the Court.” See Circuit Rule 28(e)(3).

The Appellant respectfully submits that the reasons supporting the thirty (30) days extension satisfy both the “good cause” standard set forth in Rule 26(b) of the Federal Rules of Appellate Procedure and the “extraordinarily compelling reasons” standard set forth in Circuit Rule 28(e)(1).

The record on appeal in this case was completed on January 24, 2023 and the undersigned so notified the Court on that date. On January 25, 2023, the Court issued a briefing schedule, setting March 27, 2023, as the date for the Appellant to file his brief and the Appendix. The undersigned has worked diligently since then on reaching agreement with opposing counsel on the contents of the fairly voluminous Appendix, See FRAP 30(b)(1); *Handbook of Practice and Internal Procedures* § IX B. 2., on compiling the Appendix, and on preparing the Brief.

Almost immediately after the Scheduling Order was filed in this case, another United States Court of Appeals issued a Scheduling Order in another case for which the undersigned is solely responsible for the Brief and Appendix and scheduled the same to be filed on March 22, 2023. That appeal arises from eight years of litigation and was only recently re-activated after being held in abeyance for two years for the litigation in the district court of a motion under Rule 60(b), Federal rules of Civil Procedure. It is a voluminous record.

The undersigned is a solo practitioner, with no associates or office staff. The undersigned has a heavy caseload in addition to these two appeals and just yesterday completed drafting a lengthy pleading in a case being litigated in a federal district court. Many other obligations are pending in other cases before other courts, including a capital case.

The deadlines in the various pending matters made it difficult to comply

with the obligations in each court and so the undersigned already had to consider moving for an extension of time, while working as diligently as possible to avoid the same; however, a private medically-related development arose yesterday that has now required the undersigned to move for an extension of time in this case (and in the other pending federal appeal referred to above).

The undersigned regrets having to move for this extension, but respectfully submits that under these circumstances, the request is supported by both good cause and exceptionally compelling reasons.

This is the first request for an extension of time in this case and the undersigned does not anticipate needing any further extension of time. It is further respectfully submitted that the period requested (30 days) is reasonable and, indeed, the undersigned will not get the benefit of the entire thirty (30) days period because of factors related to the reason behind the request and because several of the days during the extended thirty (30) days period are days on which the undersigned will be religiously prohibited from working (Jewish Passover and Sabbath observance).

The undersigned is actively coordinating the compilation of the Appendix with a printing service and will, of course, continue to work diligently on completing the Appellant's Brief and Appendix as soon as possible to the best of

the undersigned's ability. However, this extension period is absolutely necessary to effectively represent the Appellant in this case. The case involves issues that are constitutionally significant.

CONCLUSION

Based on all of the foregoing, and for good cause and the attending extraordinarily compelling and unforeseeable reasons shown, the Appellant respectfully asks this Court to grant an extension of time for thirty (30) days for the filing of his Brief and the Appendix.

Respectfully Submitted,

/s/ David I. Schoen

David I. Schoen (D.C. Bar No. 391408)
Counsel for Appellant Stephen K. Bannon

CERTIFICATE OF COMPLIANCE WITH FRAP 27(d)

I hereby certify, pursuant to Rule 32(g), *Federal Rules of Appellate Procedure*, that this motion complies with the type-volume limitation of Rule 27(d)(2)(A), *Federal Rules of Appellate Procedure* in that it has been prepared in 14 point, Times New Roman font, and contains 681 words, as counted by the WordPerfect word processing program.

/s/ David I. Schoen

David I. Schoen

CERTIFICATE OF SERVICE

I hereby certify that on this 10th day of March, 2023, I caused a copy of the foregoing Motion to be served on all counsel of record by filing the same through this Court's ECF system.

/s/ David I. Schoen

David I. Schoen

ADDENDUM**CERTIFICATE OF INTERESTED PARTIES**
(Circuit Rules 27(a)(4); 28(a)(1)(A))

The following parties and *amici* appeared in this case in the district court:

1. Stephen K. Bannon, Defendant/Appellant;
2. House Minority Leadership, *Amici*;
3. United States of America, Appellee;
4. United States House of Representatives, *Amici*.